

NOV 13 2006

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1. (currently amended) Method for establishing an a resultant output torque control term for an output member of a powertrain for use in a powertrain control comprising: providing a first output torque contribution term corresponding to a first torque request signal;

reducing the first output torque contribution term in accordance with a predetermined first factor that varies inversely to said first torque request signal; and, combining the reduced first output torque contribution term with at least one other output torque contribution term into a to establish said resultant output torque control term.

2. (canceled)

3. (currently amended) The method for attenuating an establishing a resultant an output torque control quantity term for an output member of a powertrain as claimed in claim 2 further wherein said predetermined factor is a function of reducing the first output torque contribution term further includes reducing the first output torque contribution term in accordance with a second factor that varies proportionally to a second torque request signal.

4. (currently amended) The method for attenuating an establishing a resultant output torque control quantity term for an output member of a powertrain as claimed in claim 1 wherein said at least one other output torque contribution term corresponds to a brake torque request and said first torque request signal includes a throttle torque request.

5. (currently amended) The method for attenuating an establishing a resultant output torque control quantity term for an output member of a powertrain as claimed in claim 4 wherein said predetermined factor is a function of the throttle torque request and the brake torque request reducing the first output torque contribution term further includes reducing the

first output torque contribution term in accordance with a second factor that varies proportionally to said brake torque request signal.

6. (canceled)

7. (withdrawn) Method for determining a powertrain output torque comprising:  
providing a brake torque contribution;  
providing a throttle torque contribution;  
attenuating the throttle torque contribution in accordance with predetermined criteria; and,  
combining the brake torque contribution and the attenuated requested throttle torque  
contribution to establish powertrain output torque.

8. (withdrawn) The method for determining a powertrain output torque as claimed in claim 7 wherein attenuating the throttle torque contribution comprises applying a variable gain thereto that generally a) trends in one direction as a throttle request trends larger and b) trends in an opposite direction as a brake request trends larger.

9. (withdrawn) The method for determining a powertrain output torque as claimed in claim 7 wherein brake torque contributions are provided in response to an operator brake request, throttle torque requests are provided in response to an operator throttle request and throttle torque contributions are attenuated by applying a variable gain thereto that generally a) trends in one direction as operator throttle requests trend larger and b) trends in an opposite direction as operator brake requests trend larger.

10. (withdrawn) A vehicular powertrain comprising:  
a prime mover coupled to an input of a transmission, said transmission including an output;  
and,  
a computer based controller including a storage medium having a computer program encoded  
therein for establishing torque at the transmission output in accordance with a plurality  
of torque contributions, said computer program including

code for attenuating a first one of the plurality of torque contributions,  
code for combining the attenuated first one of the plurality of torque contributions  
with the others of the plurality of torque contributions into a desired output  
torque, and  
code for establishing the torque at the transmission output in accordance with the  
desired output torque.

11. (withdrawn) The vehicular transmission as claimed in claim 10 wherein the first one of the plurality of torque contributions includes a throttle torque contribution, a second one of the plurality of torque contributions includes a brake torque contribution, and the code for attenuating includes code to reduce the first one of the plurality of torque contributions proportionally to a requested brake torque.

12. (withdrawn) The vehicular transmission as claimed in claim 11 wherein the code for attenuating further includes code to reduce the first one of the plurality of torque contributions inversely proportionally to a requested throttle torque.

13. (withdrawn) The vehicular transmission as claimed in claim 10 wherein the first one of the plurality of torque contributions includes a throttle torque contribution, a second one of the plurality of torque contributions includes a brake torque contribution, and the code for attenuating includes code to apply a variable gain to the first one of the plurality of torque contributions that generally a) trends in one direction as an operator throttle request trends larger and b) trends in an opposite direction as an operator brake request trends larger.

14. (withdrawn) The vehicular transmission as claimed in claim 10 wherein the transmission is an electro-hydraulically controlled transmission.

15. (withdrawn) The vehicular transmission as claimed in claim 10 wherein the transmission is an electrically variable transmission.

16. (currently amended) Method for determining a powertrain output member torque control term comprising:

providing a brake torque contribution term;

providing a throttle torque contribution term;

attenuating the throttle torque contribution term ~~in accordance with predetermined criteria by applying a variable gain thereto that generally a) trends in one direction as a throttle request trends larger and b) trends in an opposite direction as a brake request trends larger; and,~~

combining the brake torque contribution term and the attenuated throttle torque contribution term to establish said powertrain output member torque control term.

17. (canceled)

18. (currently amended) The method for determining a powertrain output member torque control term as claimed in claim 16 wherein said brake torque contribution term is provided in response to an operator brake request, ~~said throttle torque contribution term is provided in response to an operator throttle request and said throttle torque contribution term is attenuated by applying a variable gain thereto that generally a) trends in one direction as said operator throttle request trends larger and b) trends in an opposite direction as said operator brake request trends larger.~~